

1 District Judge James L. Robart
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11 UNITED STATES DISTRICT COURT FOR THE
12 WESTERN DISTRICT OF WASHINGTON
13 AT SEATTLE
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16 SEA SHEPHERD LEGAL,
17 Plaintiff,
18 v.
19 NATIONAL OCEANIC AND
20 ATMOSPHERIC ADMINISTRATION, *et*
21 *al.*,
22 Defendants.
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25 Case No. C19-463 JLR
26 JOINT STATUS REPORT AND
27 ~~PROPOSED~~ ORDER
28

29 Noted for Consideration:
30 April 7, 2021
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33 Plaintiff SEA SHEPHERD LEGAL (“SSL”) filed the above-captioned lawsuit
34 under the Freedom of Information Act (“FOIA”) against Defendants NATIONAL
35 OCEANIC AND ATMOSPHERIC ADMINISTRATION and NATIONAL MARINE
36 FISHERIES SERVICES, seeking disclosure of certain documents (“First FOIA
37 Lawsuit”). At the parties’ request, the Court consolidated the First FOIA Lawsuit with a
38 related case, *Sea Shepherd Legal v. NOAA, et al.*, 19-cv-1485-JLR. Dkt. No. 34. The
39 Court ordered that all remaining filings be made in the First FOIA Lawsuit. *Id.*

40 In its Order dated March 24, 2021, the Court instructed the parties to file, within
41 14 days, a joint status report (“JSR”) describing their progress on carrying out the
42 directives set forth in the Court’s Order dated February 2, 2021 (the “February 2

1 Order").¹ Dkt. No. 48. The Court also instructed the parties to update it "on what, if
 2 anything, remains of this case and if necessary, provide the court with recommendations
 3 on how this case should proceed to resolution." *Id.*

4 In response to the Court's February 2 Order, Defendants have, as directed,
 5 disclosed documents 10521 and 10784 in their entirety. *See* Dkt. No. 48. Additionally,
 6 Defendants have represented to SSL's satisfaction that they have, as directed, reviewed
 7 document 10288 and disclosed the portions pertaining to the Federal Register notice. *See*
 8 *id.* Given those disclosures, the parties agree that the only issue remaining in this case is
 9 how attorneys' fees are to be allocated. They are therefore currently negotiating an
 10 agreement on that issue. Accordingly, the parties respectfully request that the Court allow
 11 them 60 days, through June 7, 2021, to complete their negotiations and submit a proposed
 12 order regarding allocation of attorneys' fees.

13 Dated this 7th day of April, 2021.

14 Respectfully submitted,

15 s/ Brett W. Sommermeyer
 16 BRETT W. SOMMERMEYER, WSBA # 30003

17 s/ Catherine E. Pruett
 18 CATHERINE E. PRUETT, WSBA # 35140

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28 s/ Michelle R. Lambert
 29 MICHELLE R. LAMBERT, NY # 4666657
 30 Assistant United States Attorney

¹ In the interests of efficiency, the parties refer the Court to their August 14, 2020 JSR for a summary of the case background. *See* Dkt. No. 37.

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Attorneys for Defendants

PROPOSED ORDER

The parties shall submit a proposed order regarding the allocation of attorneys' fees to the Court on or before June 7, 2021.

Dated this 14th day of April 2021.


JAMES L. ROBART
United States District Judge